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**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**CR-5956-2025 (O&M)  
Date of Decision: 01.09.2025**

Kundan Singh and others

.....Petitioners

Vs.

Inderjit Singh @ Indy Singh Sohi and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present : Mr. Sarju Puri, Advocate,  
for the petitioners.

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**SUDEEPTI SHARMA J. (ORAL)**

1. The present petition has been filed for setting aside the impugned order dated 20.05.2025 passed by learned Additional Civil Judge (Junior Division), SBS Nagar, in Civil Suit No.CS-876/2024, whereby, the defence of the petitioners was ordered to be struck off due to non-filing of written statement.

2. Learned counsel for the petitioners contends that the impugned order has been passed without giving even three effective adjournments since on one of the dates, it was adjourned to 'No Work Day'. Further, written statement was not filed due to the communication gap between petitioners/defendants and their counsel. He further contends that written statement is ready with the petitioners/defendants and prays for one last effective opportunity to file the same on the next date of hearing before the learned trial Court i.e. 08.09.2025.



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3. I have heard learned counsel for the petitioners and perused the case file with his able assistance.

4. A perusal of the file shows that the petitioners appeared for the first time before the learned trial Court on 18.02.2025. Thereafter, the matter was adjourned to 12.03.2025 for filing of written statement. On 12.03.2025, it was adjourned to 03.04.2025, which was 'No Work Day' and on 03.04.2025, it was again adjourned to 17.04.2025. On 17.04.2024, it was again adjourned to 20.05.2025. On 20.05.2025, the defence of the petitioners/defendants was struck off. As per the pleadings in the present petition, because of the communication gap between the petitioners/defendants and their counsel, the written statement could not be filed and the defence of the petitioners/defendants was struck off.

5. Due to the lapses on the part of counsel, litigants should not be made to suffer. Moreover, a *lis* should be decided on merits rather than on technicalities, therefore, justice demands that one last effective opportunity is required to be granted to the petitioners to file their written statement.

6. In view of the above, the present revision petition is **allowed** and impugned order dated 20.05.2025 passed by learned Additional Civil Judge (Junior Division), SBS Nagar, in Civil Suit No.CS-876/2024, is hereby set aside to the extent of striking off the defence of the defendants. The petitioners are granted one last effective opportunity to file their written statement, subject to payment of Rs.5,000/- as costs to be deposited by the petitioners with the Poor Patient Welfare Fund, PGIMER, Chandigarh.



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7. Since the next date of hearing is stated to be fixed for 08.09.2025, therefore, the learned trial Court is directed to afford the petitioners one last effective opportunity to file their written statement along with receipt of deposit of Rs.5,000/- as cost imposed by this Court and if the case is not taken up for hearing on 08.09.2025 for any reason then on any other subsequent date as fixed by the Court.

8. Pending application(s), if any, also stand disposed of.

**(SUDEEPTI SHARMA)**  
**JUDGE**

**01.09.2025**

Virender

Whether speaking/non-speaking : Yes/No

Whether reportable : Yes/No